

## OPENING CONFERENCE NOTES

~~Ex 7C~~ arrived around 3:00pm on 06/07/10 at the worksite located at 61 Second Street Brooklyn, NY 11215. ~~Ex 7C~~ from the ~~Ex 7C~~ stated to CSHO that the scene has been preserved the only thing that was moved was the body, and the bathroom window opened to air out the room. ~~Ex 7C~~ went to the basement apartment and met ~~Ex 7C~~. ~~Ex 7C~~ stated that he hired the company to reglaze his bathtub. ~~Ex 7C~~ stated that the ~~Ex 7C~~ arrived onsite around 10:00am and got set up in the bathroom. He stated that he and ~~Ex 7C~~ was upstairs while ~~Ex 7C~~ was working in the bathroom. ~~Ex 7C~~ then stated that he came back downstairs to check on him around 10:45 or 10:50am and saw him on the floor and then called the paramedics. According to ~~Ex 7C~~ paramedics arrived at around 11:00am. ~~Ex 7C~~ then stated that he was taken to ~~Ex 7C~~ Hospital where he was pronounced dead on arrival.

~~Ex 7C~~ then went to the basement bathroom. The bathroom was approximately 7ft by 6ft and had only one window and a ceiling fan that was off. The only thing present in the room was two 64 oz bottles of Etch and Rechochem paint and varnish remover. After obtaining the MSDS, it was discovered that the paint and varnish remover contained 70-90% methylene chloride. On the bathroom floor laid a North half face respirator with organic vapor cartridges. ~~Ex 7C~~ asked the ~~Ex 7C~~ was wearing a respirator when he was found on the bathroom floor to which the replied no. ~~Ex 7C~~ took carbon monoxide reading using a Draeger carbon monoxide detector which showed levels to be at 0.00 ppm. ~~Ex 7C~~ then took bathtub depth measurements (2ft 1 inch) and did an inventory of the employees bins that had been brought onsite. ~~Ex 7C~~ also stated to CSHO that ~~Ex 7C~~ car was parked outside and that his ~~Ex 7C~~ came by with the key and opened the trunk of the car. The ~~Ex 7C~~ stated that in the trunk of the car was a ventilation system.

~~Ex 7C~~ went to company Melga Sales Corp store location on 06/08/10 and presented credentials to company ~~Ex 7C~~. CSHO stated the purpose of his visit and the steps involved in an OSHA inspection which included an opening conference the walk around with private employee interviews, and closing conference.

~~Ex 7C~~ discussed about pictures being taken, 11c discrimination, and the issuing of citations with/without monetary penalties. CSHO ~~Ex 7C~~ obtained all the information needed to complete OSHA 1.

~~Ex 7C~~ stated that the company ~~Ex 7C~~ was not onsite and travels between ~~Ex 7C~~. ~~Ex 7C~~ was able to get CSHO all the MSDS that was used by employees. He stated that reglazing employees go to the sites from home and only come back to the office to get more supplies. He said that new employees are trained by the senior technician usually ~~Ex 7C~~. ~~Ex 7C~~ who have been working for the company 18 and 15 years respectively. He stated that he does not know much about the process of reglazing but the ~~Ex 7C~~. ~~Ex 7C~~ would know more about the chemicals used. CSHO met with warehouse

Ex 7c later that day and he said that the company has been using the same chemicals since before he was hired ten years ago. He stated that the keeps a file with all the MSDS, but stated that the company does not have a written Hazardous communications program which would include employee training on the hazards associated with each product used. Ex 7c then asked if the company has a written respiratory protection program which would include medical evaluation, fit testing and employee training to which he replied no. CSHO then asked Ex 7c if he ever looked at the MSDS sheets to which he replied no. Ex 7c walked through the warehouse with Ex 7c and noticed an old unopened one gallon can of Quick Clean Gun cleaner which according to the MSDS contains 50-55% methylene chloride.

Ex 7c explained that this can has been there since he started working for the company. I Ex 7c

employees never use it. Ex 7c

onsite. CSHO then asked if he ever heard of methylene chloride and the hazards associated with it to which he replied no. Ex 7c then went through the hazards associated with methylene chloride and if he is not going to use it to dispose of it according to NYC and New York State regulations. Ex 7c disposed of the Ex 7c cleaner and showed CSHO the disposal company that was used receipt.

Ex 7c held an opening with company owner on 06/30/10. He stated that he has been in the business for about Ex 7c and that everything that his employees used the same chemicals he used when he reglazed bath tubs. He also stated that Ex 7c are trained by the Ex 7c. He also stated that he trained both guys himself personally to reglaze tubs. He said that if he would have known that any of the products used would injure his employees he would not have used them. He also stated that he has stopped using the paint and varnish remover and is in the process of finding a new product that does not contain methylene chloride. He stated until a new product is found his employees would have to scrap or sand off the old paint.

#### Employee Interviews:

Ex 7c over the phone on 06/08/10. He informed CSHO that he has been employed by Ex 7c for about 18 years and said was trained by the Ex 7c. He said that he knew Ex 7c very well because he went to high school with him and his Ex 7c, and their Ex 7c who also worked for the company. He said that they wear a half face respirator when reglazing bathtubs And he was never medically evaluated or fit tested. He then stated that they would first hook up his ventilation system to run outside the window of the bathroom. He would then pour some of the paint and varnish remover into the tub and then brush it around onto the surface of the tub that is to be reglazed. He said that this process takes about 5 minutes. He said that he would then take a scrapper and remove the paint off the tub. After the paint was removed he would then wash down the tub with water bagging up all the excess chipped paint. Ex 7c stated that he would then apply the etch to the tub which helps the paint to adhere to the tub. While the etch is on the tub he would then prep the surrounding area paper to prevent over spraying on other surfaces and then mix the paint. He said the prepping takes the most time. Finally he would spray the tub. 7c